

**United States District Court
Southern District of New York**

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INSTRUCTIONS FOR CJA FORM 30

INSTRUCTIONS FOR CJA FORM 30 DEATH PENALTY PROCEEDINGS APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

The CJA Form 30 should be used for all death eligible cases, regardless of whether the death penalty is authorized, not-authorized, or de-authorized.

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is generated from the automated system, Items 1-11 and 13 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for, a description of, and the purpose for any expenses incurred. For additional guidance, refer to the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's Office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection (e) of the Criminal Justice Act (as amended), codified in part at 18 U.S.C. § 3006A (CJA) and subsection (q)(9) and (10)(B) of the Anti Drug Abuse Act, 21 U.S.C. § 848. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding reimbursable out-of-pocket expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on the CJA Form 31.

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (paragraph 2.21A, *cja guidelines*). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records, as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, *cja guidelines*). any overpayments are subject to collection, including deduction of amounts due from future vouchers.

- Item 1.** **CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes for the court where the proceedings whom the person represented are held.

- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.

- Items 3-6.** **DOCKET NUMBERS:** Provide the case number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time

among the cases. On the supporting documentation, cross reference the voucher number of all related claims for which costs are prorated.

- Item 7. IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.
- Item 8. TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.
- Item 9. REPRESENTATION TYPE:** Check one of the following types of representations:
- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence and Appeals;
 - D2 Federal capital prosecution, either trial or direct appeal;
 - D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255 seeking to vacate or set aside a federal death sentence and appeals; or
 - D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code, and appeals.
- Item 10. OFFENSE(S) CHARGED:** If the case is a capital prosecution in federal court, cite the U. S. Code, title and section, or other code citation of all charges up to five. List all death-eligible charges first. If the case is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.
- Item 11/13. ATTORNEY'S NAME AND MAILING ADDRESS AND NAME AND MAILING ADDRESS OF LAW FIRM:** Complete Item 11 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the Name and Mailing address of that law firm or corporation in Item 13. This information will allow earnings to be reported to the Internal Revenue (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. (*Note: Information about a pre-existing agreement, including the Taxpayer Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.*)
- Item 12. COURT ORDER:** Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," attach the court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Specific qualifications are required for all counsel appointed to provide representation in death penalty cases. See 21 U.S.C. § 848 (q)(5)- (7) and 18 U.S.C. § 3005. The remaining portion of the Item will be completed by the clerk of court or other court-designated person.
- If the court approves interim payments because of the conditions stated in Box "D," the court should check this box. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. Check statement "E," if full or partial repayment was ordered by the court from the person represented at the time of the appointment. If services were provided prior to court appointment, the presiding judicial officer can ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary.

- Item 14. STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 15 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. CHECK ONLY ONE BOX. Submit a separate voucher for each stage of proceeding. **NOTE:** The stage noted as "Other" under "Other Proceeding" should be used only for a petition for presidential pardon or clemency, or other proceeding that cannot fit within the other described categories.
- Item 15. CLAIM FOR SERVICES--CATEGORIES FOR HOURS AND COMPENSATION:** On the applicable lines "a" through "j" enter the actual time spent in hours and tenths of hours. Total the number of hours in out-of-court categories "b" - "j" and enter the total in the "HOURS CLAIMED" column where required. Multiply the total hours for in-court and out-of-court time by the allowable compensation rate. Enter the amount claimed in the "TOTAL AMOUNT CLAIMED" column for category "a", and for categories "b" - "j." **NOTE:** Indicate "Other Dispositive Motions" only for work related to a motion to dismiss, motion for summary judgment, or similar motion to end the entire habeas corpus proceeding. If services included in-court hearings of one hour each on separate dates, enter two hours on the form and attach a sheet indicating one hour for each of the two dates.
- Any mathematical or technical adjustments to your claim during the judicial approval process or an additional review will be indicated in the columns provided on the form under the heading **"FOR COURT USE ONLY."**
- Item 16. TRAVEL EXPENSES:** Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you on applicable rates and federal government travel regulations.
- Item 17. OTHER EXPENSES:** Itemize all reimbursable out-of-pocket expenses incidental to the representation. Provide dates and a brief description of the expense. Submit supporting documentation (a receipt, canceled check, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to a law student or law clerks for research and assistance, and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraph 2.27 B and 3.15 of the *CJA Guidelines* for an explanation. Fees and expenses for expert attorney and other consultants in death penalty cases should be authorized and claimed on a CJA Form 31. The following are not reimbursable expenses, and should not be claimed:
1. General office overhead, such as rent, telephone services, and secretarial services.
 2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
 3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
 4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R.

Crim. P. 17 and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.

5. Filing fees. These fees are waived for persons proceeding under the CJA.

6. The cost of allowable investigative, expert, or other services. (See Chapters III and VI of the *CJA Guidelines*) such services should be requested using a CJA Form 31.

7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sale, or gross receipts, are not reimbursable expenses.

Totals. Enter the "Grand Total" where required by adding the total amount claimed for "in-court," "categories b - j," "Travel Expenses," and "Other Expenses."

Item 18. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE: The person appointed by the court must certify dates of service for the representation. Indicate where required, the date range for the services claimed on the voucher.

Item 19. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substituted counsel or reasons other than disposition of the defendant's case such as fugitive defendant, appointment of a public defender, or retention of counsel by defendant), give the effective date for termination of appointment.

Item 20. CASE DISPOSITION: Indicate case disposition for the person represented. Select applicable code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers ,etc)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
Habeas/Petitions/Writs	Dismissed	1
	Granted	GR
	Denied	DE

Item 21. CLAIM STATUS: Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the payment number. Complete the remaining portion of Item 21, and sign and date the affirmation statement before submitting the claim for court approval.

**Items
22-27a.**

APPROVED FOR PAYMENT--COURT USE ONLY: The presiding judicial officer will indicate the amount approved for each major category. These amounts will reflect mathematical or technical adjustments to your claim. The total amount approved for payment of the claim, less any amounts withheld for interim payment, is reflected in the **"TOTAL AMOUNT APPROVED."** The **"SIGNATURE OF THE PRESIDING JUDICIAL OFFICER"** is required to effect payment of the claim. The **JUDGE CODE** will be provided by the court staff.

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